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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/536,681

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Stefan Hahn

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41288

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10/03/2008

PATENT CENTRAL LLC

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EXAMINER

WOOLCOCK, LENWORTH A

ART UNIT

PAPER NUMBER

2629

MAIL DATE

DELIVERY MODE

10/03/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/536,681	Applicant(s) HAHN, STEFAN	
	Examiner LENWORTH WOOLCOCK	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 May 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>06/28/2007 and 07/03/2006</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

The disclosure is objected to because of the following informalities: Specification is missing description of drawing.

Appropriate correction is required.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the optical display along with the image sensor must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

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Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claims 1, 8 and 11 are objected to because of the following informalities:

Wording of claim 1, 8, and 11 are unclear. Claim 1, 8 and 11 states “it being possible to vary one of the variables of the pictorial information, in particular the display variable, shape, color and intensity”. It is recommended applicant reword statement to read “it being possible to vary one the display variable, shape, color and intensity”. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6, 8, 9, and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by Nielsen et al (US 6437758).

Consider claim 1, Nielsen discloses a method comprising: detecting the user's direction of view (**see fig. 4, gaze detection**); offering the user the pictorial information

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in his peripheral field of view (**see fig. 12, in order for gaze detection, information must be in field of view**), it being possible to vary one of the display variable, shape, color and intensity (**see fig. 13 and corresponding description**); and variably changing the information display with the user's direction of view (**see fig. 13, elements 1317 and 1319**).

Consider claim 8, Nielsen discloses an optical display device wherein the optical display is arranged in the user's peripheral field of view (**see fig. 12, in order for gaze detection, information must be in field of view**), a means being provided with the aid of which it is possible to vary one of the display variable, shape, color and intensity (**see fig. 13 and corresponding description**), and a means is provided with the aid of which the information display variable can change as a function of the user's direction of view (**see fig. 13, elements 1317 and 1319**).

Consider claim 11, Nielsen discloses a method comprising: detecting the user's direction of view (**see fig. 4, gaze detection**), offering the user pictorial information in his peripheral field of view (**see fig. 12, in order for gaze detection, information must be in field of view**), wherein the shape, color and intensity of the pictorial information vary according to relevancy of information and direction of view (**see fig. 13 and corresponding description**), and variably changing the information display such that it remains within the user's peripheral vision (**see fig. 13, elements 1317 and 1319**).

Consider claim 2, Nielsen discloses the shape of the display of information changes with the user's direction of view in order to display information to the user more accessibly (**see fig. 13, element 1309**).

Consider claim 3, Nielsen discloses the position of the information display on the optical display device changes with the user's direction of view so that the user can perceive the information effectively in the case of indirect viewing contact (**see fig. 12, element 1207**).

Consider claim 4, Nielsen discloses the intensity of the information display changes with the user's direction of view in order not to dazzle the user in the case of looking directly at the optical display device (**see fig. 13, element 1317 and 1319 reduces size**).

Consider claim 6, Nielsen discloses the information display variable changes continuously when the user's direction of view is averted from the optical display device so that the user can recognize the information clearly at any time (**see fig. 13**).

Consider claim 9, Nielsen discloses the device for detecting the user's direction of view is an image processing device (**see fig. 2, and col. 9 lines 21-55**).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

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1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al (US 6437758) in view of Abbott et al (US 2002/0044152).

Consider claim 5, Nielsen discloses the limitations of claim 1. Nielsen does not specifically disclose the color of the information display changes with the user's direction of view so that the information display always stands out distinctly from the background. Abbott discloses the color of the information display changes with the user's direction of view so that the information display always stands out distinctly from the background **(see abstract and par. [0068])**.

It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Nielsen, and have the color of the information display changes with the user's direction of view so that the information display always stands out distinctly from the background, as taught by Abbott, thus reducing the users distraction from viewing unwanted objects), as discussed by Abbott **(see par. [0068])**.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nielsen et al (US 6437758) in view of Cohen-Solal et al (US 7284201).

Consider claim 7, Nielsen discloses the limitations of claim 1. Nielsen does not specifically disclose in the case when the user turns his direction of view to the optical display device, the information display variable changes only after a prescribed time

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interval so that the user finds the information again immediately on the optical display device. Cohen-Solal discloses when the user turns his direction of view to the optical display device, the information display variable changes only after a prescribed time interval so that the user finds the information again immediately on the optical display device **(see col. 3, lines 56-59)**.

It would have been obvious to one skilled in the art at the time the invention was made to modify the invention of Nielsen, and have in the case when the user turns his direction of view to the optical display device, the information display variable changes only after a prescribed time interval so that the user finds the information again immediately on the optical display device, as taught by Cohen-Solal, thus allowing the user to not be aware of the changes in the display quality, as discussed by Cohen-Solal **(see col. 3 lines 54-56)**.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LENWORTH WOOLCOCK whose telephone number is (571)270-5152. The examiner can normally be reached on M-F 8:30am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amare Mengistu can be reached on 571-272-7674. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lenworth Woolcock/
Examiner, Art Unit 2629

/Amare Mengistu/

Supervisory Patent Examiner, Art Unit 2629